

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3806 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- COMPLAINT CASE District- Kishanganj

1. Sumita Devi @ Sumitra Devi Wife of Manglu Shah @ Mangal Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj
2. Manglu Shah @ Mangal Sah Son of Late Janaki Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj
3. Hena Devi Wife of Narayan Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj
4. Narayan Sah Son of Manglu Shah @ Mangal Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj
5. Om Prakash @ Om Prakash Sah Son of Manglu Shah @ Mangal Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj
6. Dharambir Sah @ Bikki Shah Son of Manglu Shah @ Mangal Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj
7. Balbir Sah Son of Manglu Shah @ Mangal Sah Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ram Dana Devi Wife of Late Chandan Ram Resident of Village - Gordighi, Ward no. 2, P.O.- Panasi hat, P.S.- Pahadkata, Dist.- Kishanganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 11-11-2025 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 19.07.2024 passed by the learned Additional Sessions Judge, 1st-cum-Special Judge, Kishanganj in connection with Complaint Case (SC/ST) No. C11/2023 registered for the offence under Sections 147, 323, 341, 354, 379, 506/504/34 of I.P.C. and under section 3 (i), (w), 3(i), (r), 3 (i) (s) of S.C/S.T. (POA) Act.

3. As per the prosecution case, the appellants, because



of land dispute, are said to have assaulted the informant and snatched silver chain and other articles from her and also abused her.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place because of land dispute and therefore the application of the anticipatory bail is maintainable. He further relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the State and learned counsel for the Informant have opposed the prayer of the appellants.

6. From the reading of the entire complaint, it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that a dispute of civil nature is given colour of criminal case.

7. In these circumstances, considering the law laid down by the Hon'ble Supreme Court in the case of ***Kiran Vs.***



Rajkumar Jivraj Jain and Anr. (Supra) and in the case of *Hitesh Verma Vs. State of Uttarakhand (Supra)*, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 19.07.2024 passed by the learned Additional Sessions Judge,1st-cum-Special Judge, Kishanganj in connection with Complaint Case (SC/ST) No. C11/2023, is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the the learned Additional Sessions Judge,1st-cum-Special Judge, Kishanganj in connection with Complaint Case (SC/ST) No. C11/2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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